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OFFICE OF PETITIONS

MUNCY, GEISSLER, OLDE & LOWE, PLLC
4000 LEGATO ROAD, SUITE 310
FAIRFAX VA 22033

In re Application of
BEHROUZ POUSTCHI, ET AL.

Application No. 10/760,530

Filed: January 21, 2004

Attorney Docket No. 3655/0270PUS2

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: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
:
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This is in response to the petition under 37 CFR 1.47(a), filed July 20, 2004. The delay in rendering a decision on this petition is regretted.

The petition is dismissed.

In view of the allowance of the claims in the instant application (**see the Notice of Allowance and Fees Due, mailed October 4, 2010**), petitioner is reminded that any renewed petition, correcting the below-noted deficiencies, must be submitted prior to issuance such that it is actually received and granted by the appropriate officials before the date of issue. Petitioner should also note that the mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.**

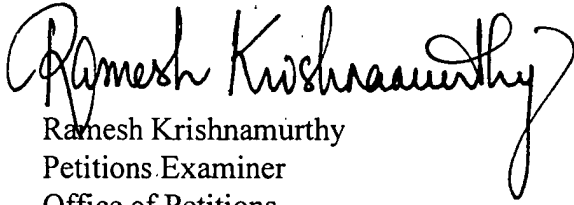
A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventor Ms. Natalie Ann Gagnon, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is

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Telephone inquiries should be directed to the undersigned at (571) 272-4914.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions